

MSA-S-1829-4923

(Comments: 1/21/05-KLJ)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

January 21, 2005

Mr. Kevin Vienneau
Charles County Department of Planning
And Growth Management
P O Box 2150
La Plata, Maryland 20646

Re: The Riverboat

Dear Mr. Vienneau:

Thank you for providing information regarding the above referenced application for a special exception. It is my understanding that the purpose of the special exception is to permit expansion of a non-conforming use as it applies to a proposed replacement structure. The previously existing structure was destroyed as a result of Hurricane Isabel, and had been operating continuously for the past 40 years.

Based on the information provided, we have no comments regarding the application for a special exception. Thank you for the opportunity to review this special exception request. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo
Natural Resource Planner
CS41-05

C541-05



CHARLES COUNTY GOVERNMENT
Department of Planning and Growth Management
Roy E. Hancock, Director

DISTRIBUTION MEMO

TO: Critical Area, c/o Kerrie Gallo
Brian Hooten, c/o Town of Colonial Beach, VA

FROM: Office of Planning, c/o Kevin Vienneau *[Signature]*

DATE: January 13, 2005

RE: Expansion of Non-Conforming Use for Docket #1141 - The Riverboat

Attached please find a copy of the above-referenced application; this is a request by ATCS, PLC (Agent) and Flanagan's of Colonial Beach, Inc. (Applicant) as it applies to a proposed replacement building (The Riverboat) destroyed by Hurricane Isabel in 2003, as described in Article XXVII, Section 297-465 of the *Charles County Zoning Ordinance*. The subject property is located at 301 Beach Terrace, Colonial Beach, VA and also over tidal open water in Charles County. The submittal information is provided for your review and comment.

Please review this information and provide written comments to the Planning Office no later than *Friday, January 28, 2005*. If there are concerns expressed by the review agencies, a meeting similar to a Technical Review Committee meeting will be arranged mid February, which would include the representatives for the Applicant. All members are encouraged to attend the meeting, if scheduled. Should you have any questions, please contact me at (301) 645-0721.

Attachments: Expansion of Non-Conforming Use Application Packet (Docket #1141)

cc: (No attachments)
C. Beall, Development Services
J. Whitehead, ATCS
Kevin Vienneau, Planning
File SE #1141
Reading File

RECEIVED
JAN 18 2005
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

**APPLICATION
FOR EXTENSION**

Or

EXPANSION OF NON-CONFORMING USE

For

**THE RIVERBOAT
FLANAGAN'S OF COLONIAL BEACH, INC**

By

**ATCS,PLC
#7 Post Office Road
Suite G
Waldorf, Maryland 20601
Phone (301) 932-8043
Fax (301) 843-1262**

APPLICANT

**Flanagan's of Colonial Beach, Inc.
310 Beach Terrace
Colonial Beach, Virginia 22443
Mrs. Penny Flanagan**

**RECEIVED
RECEIVED**

JAN 12 2005

JAN 12 2005

CIV

STATE

MISSION

Table of Contents

1.	Description and introduction to project and application.....	1
2.	Written Statement of Application and conformance to standards.....	2
3.	Property Maps (Description of Special Exception Plat/Site Plan).....	3
4.	Adjacent property notification not required.....	3
5.	Consistency with Zoning Ordinance.....	4
6.	Critical Area Overlay Zone.....	5
7.	Computations of Floor Area, deck area and summary of Use Area.....	6
8.	Justification of Request to expand Facility.....	6
9.	Existing Building Analysis Floor Plan.....	8
10.	Zoning Determination.....	11
11.	Application.....	13
12.	Proposed Building/Replacement Structure.....	19
13.	Site Plan Approval and Permits of Record.....	23
14.	MDE Permit/COE Permit.....	30
15.	Location Maps.....	37
16.	Tidal and Non-Tidal Wetlands Determination.....	41
17.	Riverboat Before Storm Isabel.....	44
18.	Riverboat After Storm Isabel.....	49

January 5, 2005

Charles County Government
Planning and Growth Management
P.O. Box 2150
La Plata, Maryland 20646

Attention: Mr. David A. Umling, Director

Re: The Riverboat, Flanagans at Colonial Beach, Inc.- Potomac River
Charles County Tax Map 79, Grid 19, Parcel 180
Tax Account # 5-009413
Site Plan # SDP 040062

Dear Mr. Umling:

Please accept this letter as our written request for an Expansion of Non-Conforming Situation as it applies to the proposed replacement building for Flanagans of Colonial Beach, Inc. located at 301 Beach Terrace, Colonial Beach, Virginia and also over tidal open water in Charles County, Maryland. This application applies to Maryland only; however, for clarity the Site Plan, Boundary Survey and related documents show both development activity in Maryland and Virginia. That part of the project lying in Charles County lies entirely over "open water" bounded by low tide on the Virginia Shore of the Potomac River.

The Riverboat at Colonial Beach lies in Charles County (in part) and in the Town of Colonial Beach (in part); more specifically, it is described on Charles County Tax Map 79, Grid 19, Parcel 180 and as Tax Account # 5-009413. The project is further described as Charles County Site Plan # SDP 040062. The Site Plan for this project is approved in both Maryland and Virginia. A building permit for the pilings and foundation construction has been issued in Charles County and a full building Permit has been issued in Virginia.

The applicant seeks to replace the existing structure destroyed by Hurricane Isabel on September 14, 2003 and has developed a new "Riverboat" design that adheres to the original footprint for impervious coverage while providing the Town of Colonial Beach and Charles County with a more modern structure which dignifies the riverfront and provides a greater value to the County in terms of revenue.

The Application:

The applicant seeks to an Expansion of Non-Conforming Situation as it applies to the proposed replacement building to expand from a Total Building Use Floor Area of 10,635.75 S.F. to the proposed Use Floor Area of 15,953.13 S.F. in Maryland. The building is also being replaced on land in Virginia pursuant to separate permits and processes.

History:

The project has a rich history reaching back to The Compact of 1785 between the States of Maryland and Virginia. The Chain of Title is documented in the attached Title Report; in summary, the property consists of that certain piece or parcel of land located at DB 425, PG 374 being part of a Hotel Reservation and Lots 11B and 11C, Parcel B, Colonial Beach, Westmoreland County, Virginia and DB 1929, PG 491 being a building "off-shore" lying and being in Charles County, Maryland.

The project area has been the subject of improvements and commercial activity since the 1785 Compact. The project came into its own in the 1950's as "Little Reno" Pier and functioned through the golden age of Colonial Beach with slots and gambling. In 1963 the "Little Reno" was burned to the water by an arsonist.

The project was rebuilt by its owners in the form represented on our Boundary & Topographic Survey, sheet 2 of the application, and named "The Riverboat". The Riverboat operated as a restaurant, gambling casino and port of call for 40 years until Tropical Storm Isabel struck on September 14, 2003. The building was substantially damaged and the remaining structure was demolished in 2003. In late 2003 and throughout 2004 the owner, Tom Flanagan worked tirelessly to design and construct a replacement structure. Architectural plans, a Site Plan and foundation plans were submitted to the Town of Colonial Beach in 2003 and approved. The same plans were submitted to Charles County in August 2003 and approved in September 2003. In addition, permits are pending with MDE and The U. S. Army Corps of Engineers subject to final impact fees which are currently being determined.

The Site Plan was approved in Charles County and a separate foundation permit granted. In addition, all permits required in Virginia have been granted. Test piles in Virginia has been drilled.

The project is considered a major asset to both Charles County and The Town of Colonial Beach. The Riverboat is one of seven restaurants and racetracks licensed to OTB or Off Track Betting. Wagering exceeds \$ 35,000 to \$ 40,000 per weekday with higher yields on the weekend. The tax revenue to Charles County is significant. The destination value to The Town is also significant as hotels, bed and breakfasts, and general retail benefit from the steady stream of tourists.

Property Maps:

The application consists of a "Special Exception Plat" of six (6) regular plat sheets and a 7th sheet of four architectural documents designated A1, A2, A3, A4 or a total of 10 sheets.

- Sheet 1: Cover Sheet showing computations, tabulations and related data.
- Sheet 2: Boundary and Topographic Survey showing the project limits and the old unit.
- Sheet 3: Special Exception Plat and Site Plan showing the new building at 150%.
- Sheet 4: Landscape Plan showing mitigation to the Virginia Shore for the building.
- Sheet 5: Landscape Detail Plan showing building perimeter planting mitigation.
- Sheet 6: Notes and Detail Sheet: Showing relevant information on Plant Materials.
- Sheet 7: Architectural drawing A1: First Floor Plan, computations and dimensions.
 - Architectural drawing A2: Second Floor Plan, computations and dimensions.
 - Architectural drawing A3: Roof Plan.
 - Architectural drawing A4: Building Elevations.

These plans and documents provide all the relevant information required for the Special Exception.

Notification of Other Parties/Adjacent Owners:

The plan does not identify adjacent Land owners in Maryland because there are none other than the State. MDE has reviewed the project and their Board of Public Works Approval is attached. No additional notification is required in Virginia since the project is entirely approved by The Town of Colonial Beach.

Consistency With Zoning Ordinance and County Plans:

The applicant represents that the "Riverboat" is a non-conforming use operating in its present location un-interrupted for over 40 years; the exact location and dimension of the previously existing one-story structure is documented in this application on the plans and in the report. The Riverboat is a Restaurant/Nightclub/Gambling Casino and would be designated 6.02.100 with a liquor license and OTB license. As such, it is a non-conforming use by right in the CV, Village Commercial zone.

The applicant retains his right to the building, its operation and related features undiminished as a result of the historical right of use and the rights and privileges granted under local, state and federal disaster acts.

Because of the projects location along Virginia's shoreline the project is exempt from the requirements of the Environmental Article for the State of Maryland Critical Area Commission and MDE Stormwater Management Requirements; however, the project must comply with the requirements and regulations of the State of Virginia and Charles County Local requirements.

State of Virginia: The applicant has received Site Plan approval, Architectural Plan approval and a full Building Permit from the Town of Colonial Beach, Virginia. All regulations and requirements for Virginia have been met.

State of Maryland: The applicant has applied for a Tidal Wetlands Application 04-WL-1400 dated November 24, 2004, attached. This permit is about to be granted subject to an appraisal to confirm the dollar value of the "Impact Fee".

Charles County: The Riverboat at Colonial Beach lies in Charles County (in part) and in the Town of Colonial Beach (in part); more specifically, it is described on Charles County Tax Map 79, Grid 19, Parcel 180 and as Tax Account # 5-009413. The project is further described as Charles County Site Plan # SDP 040062. The Site Plan for this project is approved in Charles County Maryland and Virginia. A building permit for the piers and foundation construction has been issued in Charles County and a full building Permit has been issued in Virginia. The applicant seeks to complete the process in Charles County by obtaining a Special Exception to provide for an Expansion of the Non-Conforming Situation as it applies to the proposed replacement building to expand from a Total Building Use Floor Area of 10,635.75 S.F. to the proposed Use Floor Area of 15,953.13 S.F. in Maryland. The building is also being replaced on land in Virginia pursuant to separate permits and processes already granted.

In summary, the building, its use, its operation and function remain consistent with the prior, historical use and function of the building. The applicant's replacement building represents a significant investment in Charles County while having little or no impact on public facilities such as roads, water, sewer, and services.

Charles County Comprehensive Plan: 4

The County Comprehensive Plan has been consistent with its commitment to the preservation of historic, cultural and beneficial uses existing within the scope of the plan. The Riverboat fits into the Village Concept of the plan due to its isolates status, the fact that it will remain small in population use/size, and because it has no impact on services. The project relies upon Colonial Beach for water, sewer, roads, fire, emergency services, and all related supporting services while providing Charles County and the State of Maryland with a substantial revenue source.

Charles County also has the opportunity to fulfill its responsibility to its neighbor in Virginia, The Town of Colonial Beach. The Riverboat represents the cultural history of the Town's golden age in addition to fulfilling its role in the tourism industry so vital to that small town.

Critical Area Overlay Zone:

The original Riverboat, Little Reno Pier, that operated up until destroyed by fire in 1963 occupied 40,290 S. F. of open water, almost 1 acre in Maryland alone. The 1963 reconstructed Riverboat was reduced to 12,051 S.F. in Maryland and Virginia. The new Riverboat application has been carefully crafted to insure that the expansion of the use has not increased beyond 150% of the original use. In addition, the footprint of the use has not increased beyond the original footprint.

Because of the projects is located along Virginia's shoreline the project is exempt from the requirements of the **Environmental Article for the State of Maryland Critical Area Commission** and **MDE Stormwater Management Requirements**; however, the project must comply with the requirements and regulations of the State of Virginia and Charles County Local requirements. Even though not required by either Maryland or Virginia, the applicant seeks to provide mitigation for the new development.

The applicant seeks to accomplish this in three ways; each is designed to meet the spirit of the Critical Area Regulations:

1. The Impervious area of the project is not being projected beyond the original Riverboat as it existed on September 14, 2003.
2. The applicant proposes to leave old existing piles in place to retain their habitat value to the greatest extent possible. Some of the "burnt" piles associated with the Little Reno Pier have been in the water 40 plus years.
3. The applicant has offered a comprehensive Landscape Plan for the Virginia Shore Line in front of the structure and throughout the parking lot that utilizes native plant material to stabilize the shore and enhance the beauty of the facility. The parking lot will be maintained in a combination of grass and gravel to further reduce runoff and impact to the river.

Computations:

The application is supported by detailed surveys that describe the old building and a Special Exception Plat and Site Plan which describes the new building. The following statistical data is offered:

DESCRIPTION	OLD BUILDING	NEW BUILDING	%
1. Area of first Floor Use in Va.	4,858.50	7,167.50	
Area of sec. Floor Use in Va.	0.00	2,996.25	
Sum of Use Area in Virginia	4,858.50	10,163.75	
2. Area of First Floor Use in Md.	10,636.25	10,636.25	100%
Area of Sec. Floor Use in Md.	0.00	5,316.88	50%
Sum of Use Area in Maryland	10,636.25	15,953.13	150%

Justification:

The applicant has met with officials of the State of Maryland, Virginia, Colonial Beach and Charles County Government to disclose the nature of the replacement structure, the impact and the cost both in terms of the value of the project to the applicant and to each affected jurisdiction; The applicant offers the following justification for the request for additional Building Use area.

- 1) **Financial Impact:** The cost of replacement of the existing building in today's dollars at today's prices can only be offset by increasing the revenue/income capability of the building. As a result, the applicant seeks to increase the building by 50% of its use area in Maryland.
- 2) **Colonial Beach:** The applicant has been encouraged by the Town of Colonial Beach to construct a more expensive and attractive building that will supplement and encourage the tourist trade in Colonial Beach.
- 3) **Public Services Impact:** The impact to Charles County as it relates to Public Services is nearly zero; at the same time, the taxes paid on revenues is substantial. There is no impact to water, sewer, fire, rescue, schools or roads as a result of this project; all of these services are provided by the Town of Colonial Beach.
- 4) **Project Quality and Aesthetic Design:** The new expanded project is more substantial in its form, safer, and architecturally more pleasing. The applicant has created a landmark building that is highly praised and warmly received by Colonial Beach.

- 5) **Environmental Impact:** The footprint or impervious area of the project remains the same. The project is is exempt from the requirements of the **Environmental Article for the State of Maryland Critical Area Commission and MDE Stormwater Management Requirements**; however, the project must comply with the requirements and regulations of the State of Virginia and Charles County Local requirements. **Even though not required by either Maryland or Virginia, the applicant seeks to provide mitigation for the new development. This mitigation is in the form of a heavy landscaped treatment of the Virginia shore and a commitment to leave as many piles as possible from the old structure in the water as habitat. The mitigation value of these improvements is significant.**
- 6) **Increased County/State Revenue:** The new, expanded project will substantially increase revenue for both Charles County and the State of Maryland while introducing no impact to public services.
- 7) **Right of Replacement:** The applicant is re-constructing the building under the Right of Replacement provisions of Federal and State legislation related to Tropical Storm Isabel and the Provisions and requirements of the State of Virginia and Maryland and the ordinances and regulations of Charles County, Maryland and the Town of Colonial Beach.

We hope that County Staff and the Board of Appeals concur in our judgment that this project is worthy of your favorable consideration and approval. If you have additional questions or if I can help you in any way please call (301) 932-8043.

Sincerely,
ATCS, PLC



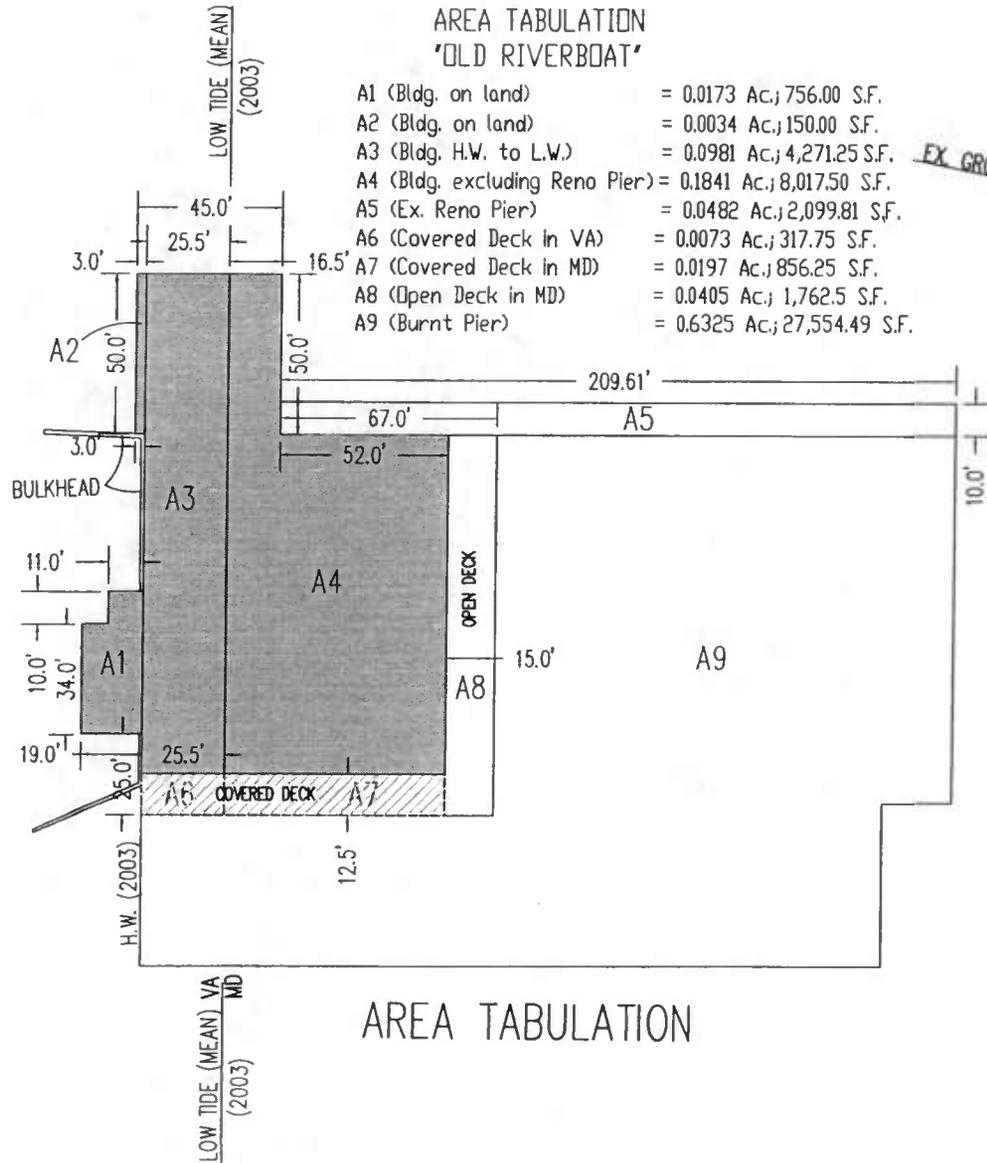
James W. Whitehead
Office Manager, Waldorf

Attachments: Plans
Jw/JW

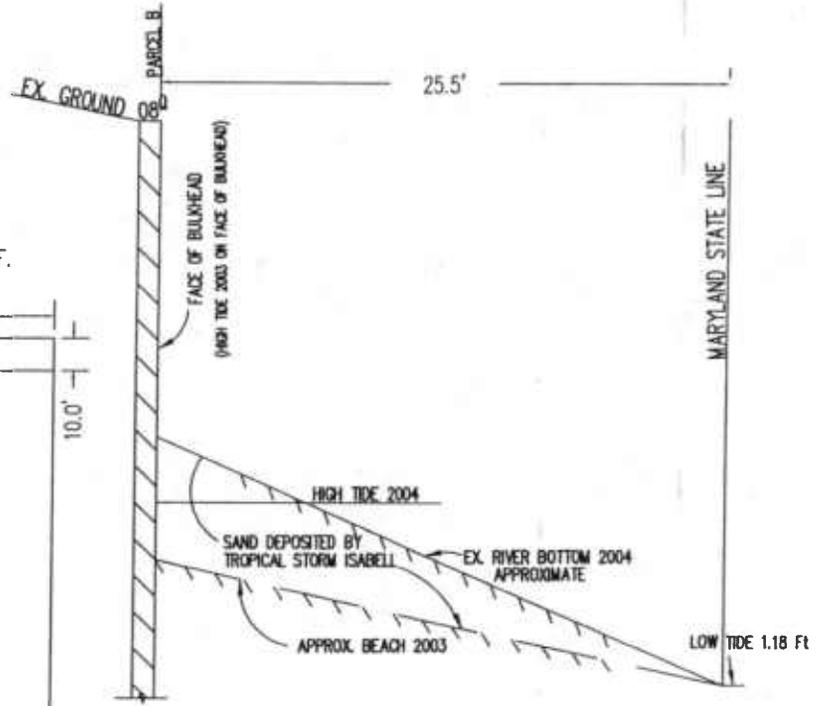
EXISTING BUILDING ANALYSIS

AREA TABULATION
'OLD RIVERBOAT'

A1 (Bldg. on land)	= 0.0173 Ac.; 756.00 S.F.
A2 (Bldg. on land)	= 0.0034 Ac.; 150.00 S.F.
A3 (Bldg. H.W. to L.W.)	= 0.0981 Ac.; 4,271.25 S.F.
A4 (Bldg. excluding Reno Pier)	= 0.1841 Ac.; 8,017.50 S.F.
A5 (Ex. Reno Pier)	= 0.0482 Ac.; 2,099.81 S.F.
A6 (Covered Deck in VA)	= 0.0073 Ac.; 317.75 S.F.
A7 (Covered Deck in MD)	= 0.0197 Ac.; 856.25 S.F.
A8 (Open Deck in MD)	= 0.0405 Ac.; 1,762.5 S.F.
A9 (Burnt Pier)	= 0.6325 Ac.; 27,554.49 S.F.

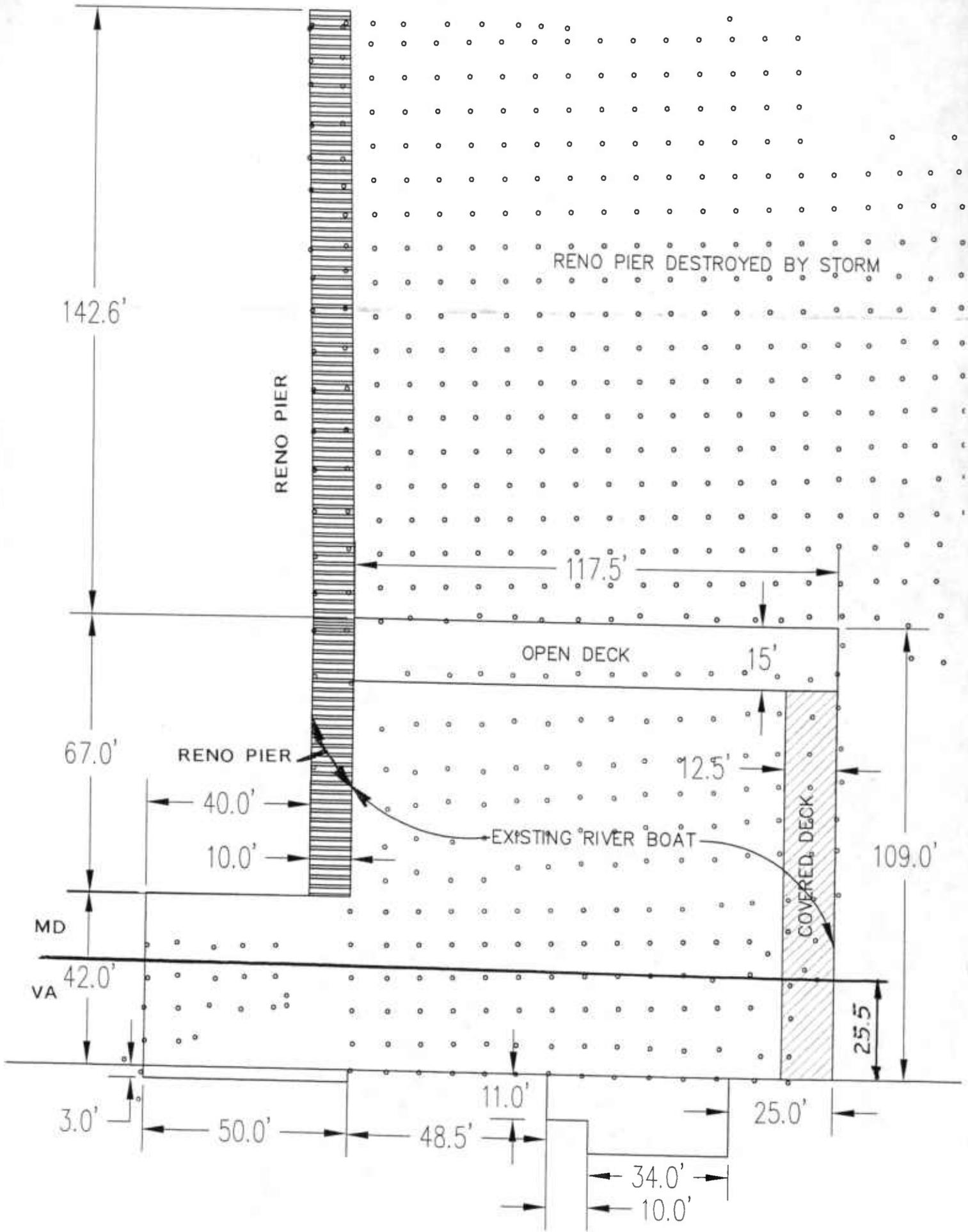


AREA TABULATION



TIDAL CONDITION DETAIL

\\PDC\HP LaserJet 2200-PC16, 1:50
C:\PROJ\15\VA Riverboat\Final Engineering\Plotting Revised 01-05-2005\ARCH-EXHIBITS.dwg, ARCHITECTURAL EXHIBITS, 01/10/2005 03:46:41 PM.



EXISTING BUILDING DIMENSIONS

ZONING DETERMINATION

ZONING OFFICER DETERMINATION

To: Whom It May Concern

From: James W. Whitehead, LS

Re: The Riverboat, Charles County Site Plan SPD-04-0062
Determination of Non-Conforming Use
Tax Account # 50009413 Tax Map 79, Grid 19, Parcel 180

Date: January 5, 2005

Please accept this certified memorandum as evidence that ATCS did file a Site Plan in August 2004 for the "reconstruction" of the Old Riverboat at 301 Beach Terrace, Colonial Beach, Virginia in August 2004 and that as a part of the pre-submittal review for that document it was determined the Planning Department that the "Old Riverboat" was a non-conforming use in the CV zone.

The Site Plan was approved on September 23, 2004. Subsequently, the applicant was advised that the new building required a "Application to Extend or Expand the Non-conforming Use since the new building was larger than the Old Building due to the addition of an additional second story. The actual impervious footprint is the same or slightly smaller.

In response to that request, the attached application to expand the old use from an usable floor area of 10,635.75 S.F. to 15,953.13 S.F. is made.

THE APPLICATION

Application for Extension or Expansion of Non-Conforming Situations

Charles County Board of Appeals
 c/o Zoning Officer, Department of Planning and Growth Management
 Post Office Box 2150, La Plata, Maryland 20646

Application is hereby made for approval of an Extension or Expansion of a Non-Conforming Situation hereinafter described.

For Planning Use Only

Date Submitted
Fees Paid
File Number Assigned
Staff Initials

I. APPLICANT INFORMATION

Flanagans of Colonial Beach, Inc.
 Applicant Name

301 Beach Terrace
 Address

Colonial Beach, Va. 22443
 City, State and Zip Code

3019328043 James W. Whitehead, Agent
 Daytime Phone Number Interest of Applicant (Contract Purchaser/Agent/Owner)

II. DESCRIPTION OF REQUESTED SPECIAL EXCEPTION

The applicant petitions for an Extension or Expansion of Non-Conforming Situation, pursuant to Article XXV of the Charles County Zoning Ordinance, dated October 1, 1992, as amended:

Description of Extension or Expansion Requested.

To increase the area of a non-conforming building 15090 or from 10,635.75^{sq} ft to 15,953.13^{sq} ft as shown on attached documents.

III. PROPERTY DESCRIPTION

301 Beach Terrace, Colonial Beach, Va. 22443
 Site Address/Street Location

CV Critical Area Open Water/Neighborhood Cons. D.
 Base Zone Classification Overlay Districts Comprehensive Plan Designation(s)

Yes N/A Virginia 79/19/180 5-009413
 Located in CBCA? Water Category/Sewer Category Tax Map, Grid/Parcel(s) Tax Account Identification #

10,635.75^{sq} ft Yes
 Acreage or square feet subject to Special Exception Is the property part of a larger recorded parcel?

IV. PROPERTY MAPS

The application shall include a Property Map which includes the following information:

- Record plat of the property, if applicable, or survey plat of the property, 18" x 24" in size, with the boundaries for which the extension or expansion is sought, outlined in red.
- Bearing and distances of all property lines, north arrow, and drawing scale.
- Names and widths of all adjacent streets and roads.
- Limits of all easements on or adjacent to property.
- Location of adjacent parcels, tract or lots within one hundred (100) feet of the property.
- Indicate existing non-conforming situation and area of extension or expansion.
- Documentation that a non-conforming situation exists. Zoning Officer Non-Conforming Use Determination, if available.

V. SITE PLAN

The application shall include a site plan adequate to demonstrate that the proposed use will conform to applicable standards, including those listed in Article XIII: "Minimum Standards for Special Exceptions and Uses Permitted with Conditions" and Article XXV, Section 415 of the Zoning Ordinance. The site plan shall depict streams, other significant environmental features, existing structures and paved areas.

VI. CONSISTENCY WITH THE ZONING ORDINANCE AND WITH COUNTY PLANS

- A. The application shall include a written statement and adequate evidence to demonstrate that the proposed extension or expansion will conform to applicable standards, including those listed in Article XIII: "Minimum Standards for Special Exceptions and Uses Permitted with Conditions" and Article XXV, Section 415 of the Zoning Ordinance.
- B. The application shall include information which demonstrates that the proposed use is consistent with the Charles County Comprehensive Plan, Comprehensive Water and Sewerage Plan, Capital Improvement Program, and other applicable County Plans.

VII. ADJACENT PROPERTY OWNERSHIP

The application shall provide the names and addresses of all adjoining and confronting (directly across any County or State Road) property owners of the entire parcel for which the Special Exception is requested.

VIII. OWNER INFORMATION

The applicant shall include the name, mailing address, and signature of each record owner of the property for which the Special Exception is being sought. If owned by a corporation, the application must be signed by such officers as are empowered to act for the corporation.

<u>Penny Flanagan</u> Owner Name	_____
<u>301 BEACH TERRACE</u> Street Address	_____
<u>CENTRAL BEACH, VA 22943</u> City, State & Zip Code	_____
<u>Penny Flanagan</u> Signature	_____

Attach additional sheets if necessary. Signatures must be provided for each record owner. If owned by a corporation, the application must be signed by such officers as are empowered to act for the corporation.

IX. APPLICANT'S INSTRUCTIONS AND SIGNATURE

- A. Submit twelve (12) copies of the application and twelve (12) copies of each attachment, including property maps and site plans.
- B. Failure to provide the required information with the application may result as delay and, in certain cases, return of the application to the applicant.
- C. The Zoning Officer may, upon written request, waive certain requirements listed herein in the case of unique situations.
- D. The applicant hereby certified that this application for a variance is complete and that the information provided is correct.

Penny Flanagan _____ Date 1-14-05

Signature of Applicant

LIST OF ADJACENT PROPERTIES
NAMES AND ADDRESSES REQUIRED

<i>None required, there are no adjacent owners in the State of Maryland. All approvals in the State of Virginia have been granted.</i>		

BOARD OF APPEALS FOR CHARLES COUNTY, MARYLAND

DOCKET NUMBER: _____

1. My name is _____
2. I am eighteen (18) years of age or older.
3. I posted the Public Notice sign on the subject property in accordance with the requirements as set forth in Section 411 of the Charles County Zoning Ordinance.
4. I have attached a photograph of the posted sign in accordance with the requirements as set forth in Section 411 of the Charles County Zoning Ordinance.

I solemnly affirm under penalty of perjury that the contents of this affidavit are true and correct to the best of my knowledge and belief.

(Signature/date)

NOTICE TO APPLICANT: This Certificate of Posting must be filed with the Zoning Office no later than 4:30 p.m. on the day of the hearing.

BOARD OF APPEALS FOR CHARLES COUNTY, MARYLAND

DOCKET NUMBER _____

AFFIDAVIT OF SERVICE

- 1. My name is _____
- 2. I am eighteen (18) years old or above.
- 3. I mailed a copy of the public notice in this matter, certified mail, return receipt requested, to the following persons at the addresses indicated:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

(Use additional sheets if necessary)

- 4. I have attached the following return receipts:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

(Use additional sheets if necessary)

PROPOSED BUILDING

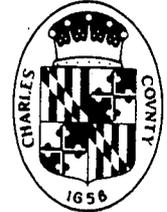
REPLACEMENT STRUCTURE

SITE PLAN APPROVAL

AND

PERMITS

CHARLES COUNTY GOVERNMENT
Planning and Growth Management



ROY E. HANCOCK, *Director*

September 23, 2004

James W. Whitehead
ATCS, P.L.C
7 Post Office Road, Ste G
Waldorf, MD 20602

Re: The Riverboat
SDP 40062

Dear Mr. Whitehead:

The Charles County Department of Planning and Growth Management has completed the review of the above referenced site development plan.

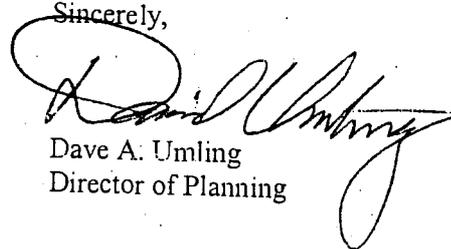
It has been determined that the site development plan is in compliance with the Charles County Zoning Ordinance and it is the decision of this Department to approve the site plan as submitted.

Approval of the site plan will be valid for two (2) years and will expire at the end of that period unless a Building or Development Services permit has been applied for and approved by the County or an extension has been granted by the Planning Director.

You may now proceed with application for Development Services and/or Building Permits if applicable. If you have already done so, please submit the approved site plan with your filed application.

Should you have any questions regarding this matter contact Cyndi Bilbra at (301) 645-0540 or e-mail her at bilbrac@govt.co.charles.md.us.

Sincerely,



Dave A. Umling
Director of Planning

DAU/ccb

cc: Meyer & Associates, Inc. (Thomas Flanagan) - 301 Beach Terrace; Colonial Beach, VA 22443
Steve Andritz
Tony Puleo
Development Services
Cyndi C. Bilbra

SAY NO TO DRUGS

Post Office Box 2150 • La Plata, Maryland 20646
Administration: (301) 645-0627 Development & Capital Services: (301) 645-0618 / (301) 645-0621 / (301) 870-3937
Permits: (301) 645-0692 / (301) 870-3935 • Planning: (301) 645-0689 / (301) 645-0540 / (301) 870-3896
TDD Transfer Number for the Hearing Impaired: 1-800-735-2258
www.charlescounty.org/pgm
EQUAL OPPORTUNITY COUNTY

BUILDING PERMIT

Charles County Planning and Growth Management
Permit Administration
P.O. Box 2150, La Plata, Maryland 20646

PERMIT NUMBER

NC 40032

Subdivision Broadway on Potomac Block N/A
Street 301 Beach Terrace For Foundation Only Date Issued 10/21/04

This permit must be posted at lot location and visible from the street.
Be sure to read all your permit documents and call for all inspections.

Notice to each permit holder: * Foundation Only

1. Read ALL the permit documents to determine specific requirements for your job, and what inspections will be required
2. Give notification at least 24 hours in advance of the time you wish to have the inspections done.
3. Have ALL permit documents and approved plans on the construction site for each inspection.
4. When calling for an inspection, give the following information:
1. Owners Name 2. Telephone Number 3. Permit Number 4. Subdivision 5. Lot and Block
6. Street Name and Number 7. Nearest Cross Street 8. Type of Inspection 9. Person Making Request
5. Contractor shall provide a ladder of the site for Inspector's use. Ladder shall be suitable for inspection of roof and attic area.

For inspections telephone Flannick, Inc.
(301) 645-3302 Or (301) 870-8710

Before any Excavation or trenching call:
"Miss Utility" 1-800-257-7777

BUILDING PERMIT

26

OWNER Thomas & Penny Flanagan PERMIT NO. 5839

ADDRESS 301 Beach Terrace

CONTRACTOR Meyer & Sons

MAP NO. - BLOCK - LOT - ZONING -

MECHANIC'S LIEN AGENT: N/A

DATE ISSUED 3/17/04 TYPE New A-2 Const.

Renew 9/8/04

[Handwritten Signature]

TOWN OF COLONIAL BEACH, VIRGINIA

BUILDING OFFICIAL

POST THIS CARD SO IT IS VISIBLE FROM STREET

Permit # 5839



TOWN OF COLONIAL BEACH

Colonial Beach, Virginia

Application for Building Permit and Plan Review

Important: Applicant must complete all items

Applicant's Name: Thomas + Penny Flanagan / Riverboat on the Potomac
 Owner's Name: (If Different) _____
 Address: 301 Beach Terrace
 City: Colonial Beach State: VA Zip: 22443
 Phone: 804 224-7655 Alt. Phone or e-mail _____
 Location of Building: 301 Beach Terrace Colonial Beach
 Between: Colonial Ave And _____
 Tax Map ID: _____ Block: _____ Lot _____ Zoning District: _____ Lot size: _____

Permit type: General Building Plumbing Electrical Mechanical Other: _____

Description of work to be performed: New Construction

Contractor Name: Jim Halpin
 Address: 406 Drayton Hill Terrace
 City: Gaithersburg State: MD Zip: 20878
 Phone: _____ Contractor's Licence # _____
 Business License # 15879381 Locality MD (Provide Copy)

Architect or Engineer: Bradley Engineering P.C.
 Address: 612 Lafayette Blvd, Suite 1006
 City: Essexville, MD State: VA Zip: 22401
 Phone: 540 371-1874 State Certification # _____

Proposed Use: Single Family Dwelling Two or more family-# of units _____ Transient hotel, motel, boarding house, # of units _____ Garage, shed or carport Deck/Porch Pool Other _____

Type of Improvement: New building Addition Alteration, repair, replacement Other _____
 Total square footage of floor area, all floors, porches, decks based on exterior dimensions: _____
 Total off-street parking spaces: Enclosed _____ Outdoors _____ Total cost of improvement: _____

Current or proposed use: Residential Amusement, recreational Church, other religious Industrial Parking Garage Service station, repair Office, bank, professional Store, mercantile Tank, tower Other (specify) Restaurant

Type of Frame: Wood Frame Masonry (wall bearing) Structural Steel Reinforced Concrete
 Other (Specify) _____

Principal Heat Source: Heat Pump Electric Gas/Propane Oil Other _____

Will there be central A/C? Yes No **Elevator?** Yes No **Fireplace?** Wood Gas No

Width: _____ **Length:** _____ **Height:** _____ **Number of Stories:** _____

Mechanic's Lien Agent: _____

PLEASE READ BEFORE SIGNING

This permit is granted on the express condition that the said construction shall, in all respects, conform to the ordinances of this jurisdiction including the Virginia Statewide Building Code and the Zoning ordinance, regulating the construction and use of building(s), and may be revoked at any time upon violation of any provisions of said codes and ordinances. Placards issued at the time the permit is issued must be displayed on the premises at all times. This department must be notified and inspections made as required. An approved set of building plans must be available for all inspections, or inspection will not be performed. On jobs requiring reinforcement, a Third Party inspection may be required. Any questions may be directed to the Building Official.

This department reserves the right to reject any work which has been concealed or completed without first having been inspected and approved by the department in accordance with requirements of various codes. Any deviation from the approved plans must be authorized by the approval of revised plans subject to the same procedures established for the examination of the original plans. An additional permit fee may be charged predicated on the extent of the variation from the original plans.

Permits are valid for one (1) year from the date issued. Permits are not valid if construction work has not commenced within six (6) months from the date issued. Requests for inspections should be made at least one business day in advance. Inspections normally take place between 10AM and 3PM Monday through Friday, excluding Holidays. Although we will try to accommodate a request for time, it cannot be guaranteed. Inspections may be requested by calling (804) 224-7214. Please have the owner's name, address, and phone number available, as well as the type of inspection to be scheduled. A reinspection fee will be charged if the required work is incomplete. A final inspection and Certificate of Occupancy must be obtained prior to occupying the building.

NOTICE TO HOMEOWNER

Any permit required by the Virginia Uniform Statewide Building Code (USBC) may be issued to the owner of an owner occupied residence to perform any work regulated by the Code. If the work is performed by any other person or firm employed by you, the homeowner, that person or firm must comply with state and local contractor licensing laws. In order to insure compliance with these requirements, you should provide this office with a list of all persons or firms employed by you to perform work under the building permit. Failure to comply with these requirements may result in the issuance of a stop work order and/or the revocation of the building permit.

I hereby certify that the proposed work is authorized by the owner(s) of record and that I have been authorized by the owner(s) to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

Print Name: THOMAS FLANAGAN Sign Name: Thomas Flanagan Date: 3/7/04

DEPARTMENT USE ONLY

PERMIT NUMBER 5839
PERMIT FEE _____
DHCD FEE (1.75%) Waived
(Department of Housing and Community Development)

Approved:

[Signature]

(Signature)
Building Official

(Title)

TOTAL: _____

MAYOR

George W. Bone, Jr.

TOWN MANAGER

Brian E. Hooten

TREASURER

Joan H. Grant

TOWN ATTORNEY

Andrea G. Erard

TOWN CLERK

Barbara A. Goff

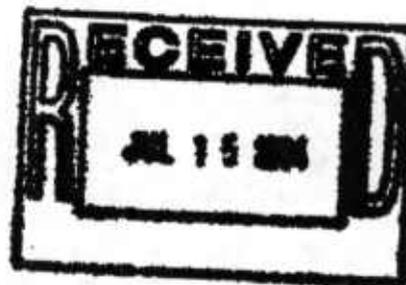


TOWN COUNCIL

- Linda Crandell
- Edward C. Gunderson
- Joseph R. Head III
- Gerrald E. Higgs
- Julia M. Saulnier
- Paul L. Tsompanas

TOWN OF COLONIAL BEACH
 18 N. Irving Avenue
 Colonial Beach, Virginia, 22443
 (804) 224-7181 FAX (804) 224-7185

June 2, 2004



Charles County
 Department of Planning and Growth Management
 County Government Building
 P.O. Box 2150
 La Plata, Maryland 20646

RE: Flanagan's of Colonial Beach- Account No. F001400 - T/A: Riverboat on the Potomac.

Dear Mr. Paff;

The letter is to confirm our pervious conversation that Utility Services consisting of Water and Sewer will be provided by the Town of Colonial Beach for the above listed establishment. Currently the account is listed as "Inactive" due to damages resulting from Hurricane Isabel, once construction reaches a point acceptable the account will be place as active.

The Town of Colonial Beach owns and operates and 2 million gallon per day treatment plant and sufficient water ability that active status is warranted.

If I can be of any future assistance please do not hesitate to call me.

Sincerely,

George W. Bone Jr.
 Mayor

MDE PERMIT



Doldon W. Moore, Jr.
Wetlands Administrator

State of Maryland
Board of Public Works

Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404
410-260-7791
Fax: 410-974-5240
Toll Free: 1-877-591-7320

Robert L. Ehrlich, Jr.
Governor
William Donald Schaefer
Comptroller
Nancy K. Kopp
Treasurer
Sheila C. McDonald
Executive Secretary

November 24, 2004

Thomas Flanagan-The Riverboat
C/o ATCS, P.L.C., James Whitehead
7 Post Office Road, Suite G
Waldorf, Maryland 20602

Re: Tidal Wetlands Application 04-WL-1400
Potomac River, Charles County

Dear Mr. Flanagan:

I am in receipt of the Maryland Department of the Environment's Report and Recommendation for the above-referenced Application. I have reviewed the Report and concur with the Department's recommendation to allow for the replacement and expansion by an additional 13,532 square feet and the construction of a second story of the Riverboat facility located along the Maryland shoreline adjacent to Colonial Beach, Virginia.

However, prior to the Maryland Board of Public Works hearing the pending recommendation for a Maryland State Tidal Wetlands License, the following additional information is required to be submitted for review and acceptance. Pursuant to Environmental Article 16-205, "Monetary Compensation for License," the Board has the authority to request compensation be made to the State of a kind and in an amount deemed appropriate. By policy and historic practice, the Board has determined that compensation for "non-water dependent structures on or over sovereign lands shall be the current "fair market value" of the adjacent upland real estate. Compensation to the State of Maryland shall be determined for the additional square footage (13,532 sq. ft.). The historical square footage of the Riverboat facility is grandfathered from the compensation requirements.

You are required to obtain two commercial real estate appraisals from appraisers that are licensed to conduct business in the State of Maryland. Enclosed, as requested by Mr. Whitehead, is a list of appraisal companies that have been approved to conduct business with the Maryland Department of Transportation. Please be advised that this list is not an endorsement by my office. Please submit two copies of the completed appraisals to my office for review. Once received, I will forward one copy of each to the Maryland Department of General Services, Real Estate Division, for review and concurrence on the methodologies that were employed by the appraisers.

Thomas Flanagan-The Riverboat
November 24, 2004
Page 2

Documentation must also be submitted that reflects the approval of the Charles County Planning and Zoning Authority in accordance with Environmental Article 16-104. Because the facility is located along the Virginia shoreline of the Potomac River, the requirements set forth in the Environmental Article for the State of Maryland Critical Area Commission requirements and MDE's storm water management regulations will not apply to your project. However, you will be required to adhere to Virginia State and local ordinances that may pertain to your redevelopment.

After completion of the aforementioned requirements, I will prepare the case to be presented to the Board for their review and final actions. I will afford you the opportunity to review a draft copy of the Tidal Wetlands License once completed. You should be aware that additional conditions and requirements will be set forth in the final approval document.

Once final action is taken by the Board, all Tidal Wetlands License fees, compensation payments and bonds must be submitted to the State of Maryland. In order to assist you in the required bonding, I have attached copies of sample instruments. The recommended Performance Bond shall be in the amount of \$100,000 and in effect for a period of ten years. Additional information and guidance will be provided in the future as we progress through the step outlined.

Please call if you have any questions or require additional information.

Sincerely,



Doldon W. Moore, Jr.
Wetlands Administrator

Enclosures:
Environmental Article 16
Sample Instruments
Fee Appraiser List



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.
Governor

Kend P. Philbrick
Secretary

Michael S. Steele
Lt. Governor

April 12, 2004

Mr. Thomas Flannigan
301 Beach Terrace
Colonial Beach, VA 22443

Re: Restaurant Construction

Dear Mr. Flannigan:

Mr. John Joyce of the Wetlands and Waterways Program advised me that Tropical Storm Isabel damaged your restaurant. As a result of the damages, I understand that you would like to rebuild the restaurant and perhaps expand the structure. Because your restaurant is built over Maryland waters, the new construction work would likely require a State of Maryland Tidal Wetlands License. I have enclosed an application for your use.

Please complete the application and submit it in accordance with the directions on the application. Maryland law is very specific regarding construction of non-water dependent structures over water. Specifically it does not allow new non-water dependent construction over tidal waters unless the project meets very specific criteria. One item is that the pier upon which the structure to be built was in existence as of December 1, 1985. Therefore it would be very helpful to me in the review of your application if you could provide dated pictures of your restaurant building along with a history depicting when it was built.

I look forward to working with you. Please call me at 410-537-3835 with any questions.

Sincerely,

Richard J. Ayella, Chief
Tidal Wetlands Division



Recycled Paper

www.mde.state.md.us

TTY-Users 1-800-735-2258

JOINT FEDERAL / STATE APPLICATION FOR THE ALTERATION OF ANY FLOODPLAIN, WATERWAY, TIDAL OR NON-TIDAL WETLAND IN MARYLAND

- All applications must be accompanied by plan drawings which show the location and character of the proposed work. For specific information on what is required on the plans, refer to the instruction package. 8-1/2" x 11" black & white drawings are required for every application. Full construction plans are required for projects submitted to the Waterway Permits Division.
- Any application which is not completed in full or is accompanied by poor quality drawings may be returned and will result in a time delay to the applicant.
- If you need help understanding how to fill out the application form, please refer to the instruction booklet.

APPLICATION NUMBER:

(To be assigned by the agencies)

1. APPLICANT INFORMATION:

Name: THOMAS FLANAGAN Telephone: (804) 224-7055
 Address: 301 BEACH TERR FAX: (804) 224-4700
 City: COLONIAL BEACH, VA State: VA Zip: 22443

2. AGENT / ENGINEER INFORMATION:

Name: BIGONRY ENGINEERING, P.C. Telephone: (540) 371-0745
 Address: 612 LA FAYETTE BOULEVARD SUITE 100
 City: FREDRICKSBURG State: VA Zip: 22401

3. PRINCIPAL CONTACT, if not the applicant:

Name: GUIDO TERZIOTTI Telephone: (540) 371-1874
 FAX: (540) 371-0745

4. PROJECT DESCRIPTION: TO REPLACE THE RIVERBOAT RESTURANT WHICH WAS TOTALLY DESTROYED ON 12 SEP 03 BY HURRICANE ISABEL. IT WILL BE BUILT THE SAME SIZE IT WAS PRIOR TO THE HURRICANE. THE PILINGS WHICH SUPPORTED THE RIVERBOAT ARE STILL THERE AND WILL BE USED TO CHART OUT THE BUILDING. THE CHARLES COUNTY DIR. OF DEVELOPMENT, THE TOWN OF COLONIAL BEACH AND THE CORPS OF ENGINEERS ARE ALL ON RECORD INDICATING THEY WILL ALLOW US TO REBUILD THE RIVERBOAT THE SAME SIZE WE HAD PRIOR TO HURRICANE ISABEL. BULKHEAD IS ALONG FRONT IN NEED OF REPAIR IT IS 126' LONG 6' HIGH

5. PROJECT PURPOSE:

- | | | |
|--|---|--|
| <input type="checkbox"/> Shore Erosion Control | <input type="checkbox"/> Erosion/Sediment Control | <input type="checkbox"/> Storm Drain/Stormwater Management |
| <input type="checkbox"/> Utility Installation | <input type="checkbox"/> Improve Navigable Access | <input type="checkbox"/> Marina |
| <input type="checkbox"/> Create Waterfowl Habitat | <input type="checkbox"/> Improve Fish Habitat | <input type="checkbox"/> Fill |
| <input type="checkbox"/> Temporary Construction | <input type="checkbox"/> Stream Channelization | <input type="checkbox"/> Bridge |
| <input type="checkbox"/> Beach Nourishment | <input type="checkbox"/> Maintenance/Repair | <input type="checkbox"/> Dam |
| <input checked="" type="checkbox"/> Residential/Commercial Development | <input type="checkbox"/> Small Pond | <input type="checkbox"/> Road |
| <input type="checkbox"/> Other: (describe) _____ | | <input type="checkbox"/> Culvert |

CERTIFICATION:

I hereby designate and authorize the agent named above to act on my behalf in the processing of this application and to furnish any information that is requested. I certify that the information on this form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief. I understand that any of the agencies involved in authorizing the proposed works may request information in addition to that set forth herein as may be deemed appropriate in considering this proposal. I grant permission to the agencies responsible for authorization of this work, or their duly authorized representative, to enter the project site for inspection purposes during working hours. I will abide by the conditions of the permit or license if issued and will not begin work without the appropriate authorization. I also certify that the proposed works are not inconsistent with Maryland's Coastal Zone Management Plan.

APPLICANT MUST SIGN: Thomas Flanagan Date 4/22/04

PLEASE COMPLETE THE REVERSE SIDE

6. PROJECT LOCATION: This project is in Tidal Non-Tidal Waters. (Please Check One)

County: CHARLES COUNTY

Name of Waterway: POTOMAC RIVER

Site Address or Location: 301 (OFFSHORE) BEACH TERR COLONIAL BEACH, VA

Directions from nearest intersection of two state roads: RT 301 FROM MD INTO VA TAKE RT 218 S. TO RT 2055 TO COLONIAL BEACH RIGHT ON COLONIAL AVE TO WASHINGTON ST TAKE RIGHT-ON LEFT

County Book Map (A.D.C.) Coordinates: Map: _____ Letter: _____ Number: _____

7. TYPE OF PROJECT:

Work Proposed	Overall Length (in feet)	Average Width (in feet)	Maximum Distance Channelward From Mean High Water For projects in tidal waters (in feet)
<input checked="" type="checkbox"/> Bulkhead (REPAIR)	<u>156'</u>	<u>6'</u>	_____
<input type="checkbox"/> Revetment	_____	_____	_____
<input type="checkbox"/> Vegetative Stabilization	_____	_____	_____
<input type="checkbox"/> Gabions	_____	_____	_____
<input type="checkbox"/> Groins or Jetties	_____	_____	_____
<input type="checkbox"/> Boat Ramp	_____	_____	_____
<input checked="" type="checkbox"/> Pier (REPAIR)	<u>200'</u>	<u>8'</u>	_____
<input type="checkbox"/> Breakwater	_____	_____	_____
<input type="checkbox"/> Road Crossing	_____	_____	_____
<input type="checkbox"/> Utility Line	_____	_____	_____
<input type="checkbox"/> Outfall Construction	_____	_____	_____
<input type="checkbox"/> Dredging	_____	_____	_____
<input type="checkbox"/> New <input type="checkbox"/> Maintenance	_____	_____	_____
<input type="checkbox"/> Hydraulic <input type="checkbox"/> Mechanical	_____	_____	_____
<input type="checkbox"/> Other: For other projects, please supply project dimensions including the area of disturbance (acreage), volume of fill (cubic yards), type of fill, and area (acreage) of wetlands to be impacted.	_____	_____	_____

8. PROPOSED STARTING DATE:

9. CONTRACTOR'S NAME (If Known):

10. LAND USE:

Current Use Is: Agriculture Wooded Marsh/Swamp Meadow Developed
Present Zoning Is: Residential Commercial Agriculture Other: _____

11. OTHER PERMITS REQUIRED: Building Permit Soil Conservation District Other:

12. NOTIFICATION OF ADJACENT PROPERTY OWNERS: TOWN OF COLONIAL BEACH
The applicant/agent will be informed by the permitting agencies when notification of adjacent property owners is required.

IMPORTANT: PLEASE MAIL FIVE COPIES OF THE APPLICATION, SITE PLAN, AND VICINITY MAP (WITH PROJECT LOCATION PINPOINTED) TO:

MDE, WATER MANAGEMENT ADMINISTRATION
REGULATORY SERVICES COORDINATION OFFICE
MONTGOMERY PARK BUSINESS CENTER - ST 430
1800 WASHINGTON BOULEVARD
BALTIMORE, MD 21230-1708
(410) 537-3762 OR 1-800-876-0200

Tidal Wetland Permit Application Requirements

General Information

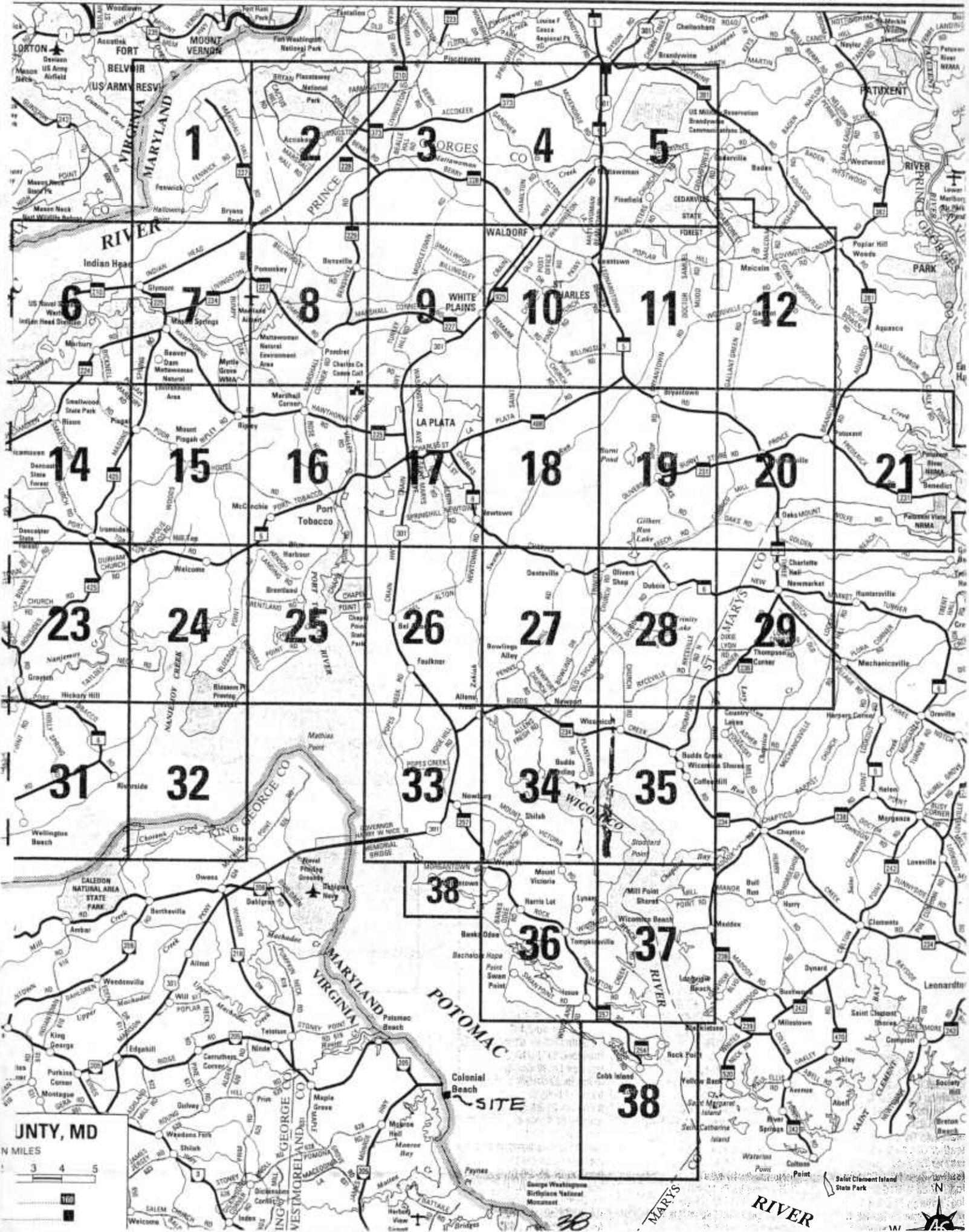
(Please include with all applications)

- 1) Completed two page application (Complete all of the requested information)
- 2) 8.5 inch by 11-inch plans including the details listed below. Plans should be project specific and drawn to scale, or clearly depict dimensions and distances. All plan pages should be dated, numbered and include the applicant's name.
 - a) Plan View (Overhead View) *SEE ATTACHED PICTURES*
 - b) Section View (Cross Section View) *SEE ATTACHED PICTURES*
 - c) Vicinity Map *SEE ATTACHED*
 - d) Pictures of the site (Please provide color pictures representative of the project site) *SEE ATTACHED*
 - e) Location of the mean high water line (average high tide)
 - f) Location of any marsh or submerged aquatic vegetation *N/A*
 - g) Location of all existing structures channelward of the mean high water line *N/A*

Pier Projects (*REPAIR ONLY*)

Please provide the following information for all pier and piling projects:

- 1) Location of proposed pier and pilings, and existing structures channelward of the mean high water line on the project site
- 2) Location of all structures channelward of the mean high water line, located on the properties to the left and right of the project site
- 3) Location of any designated channels
- 4) Water depths (referenced to mean low water = 0.0) at 1 foot contour intervals across the width of the waterway or to a distance of 100 feet beyond the channelward extent of the proposed structure
- 5) The mean high water line on the opposing shoreline, the width of the waterway, and a line depicting $\frac{1}{4}$ of the distance across the waterway



JNTY, MD

N MILES

3 4 5

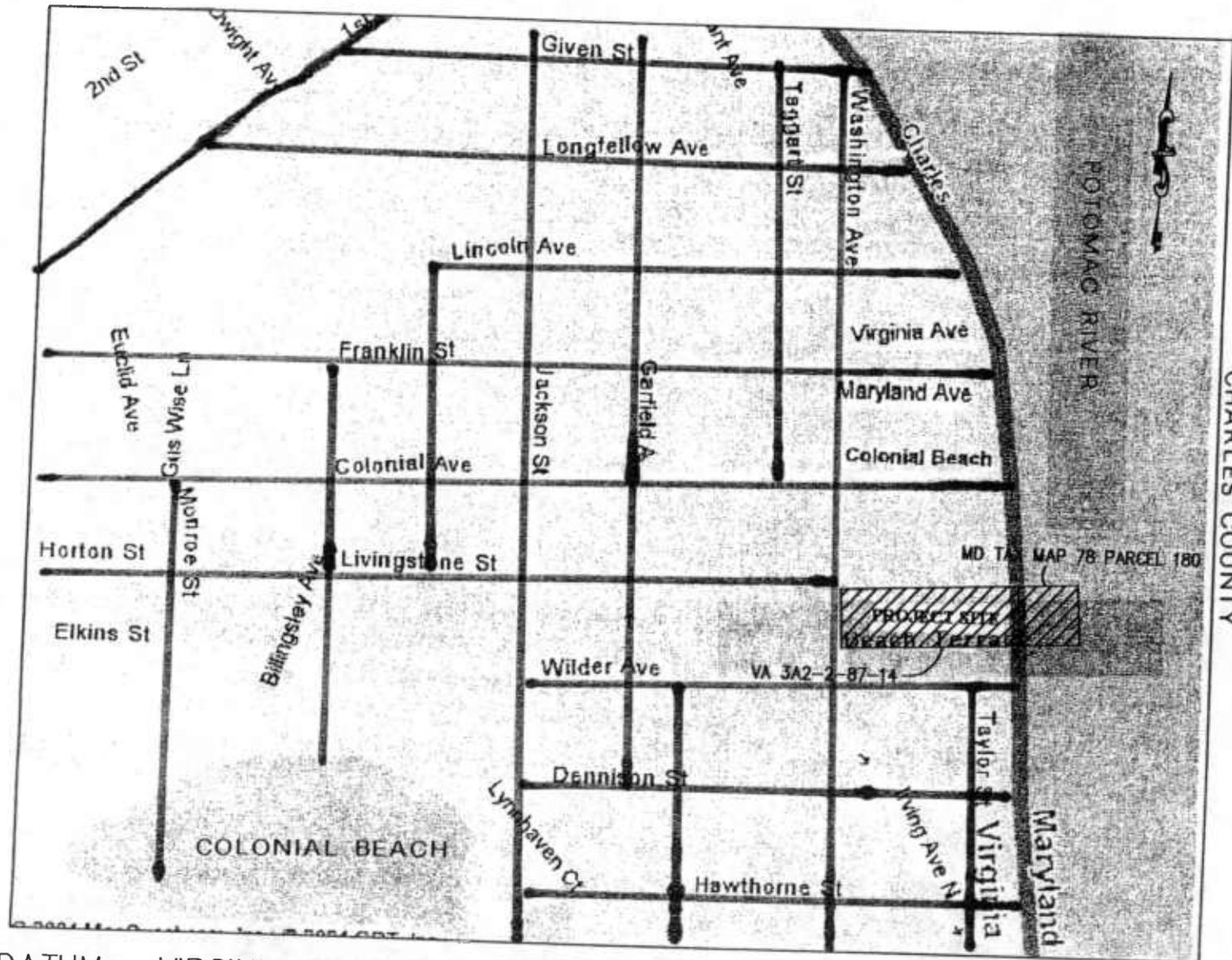
100

Scale bar and north arrow.

SITE

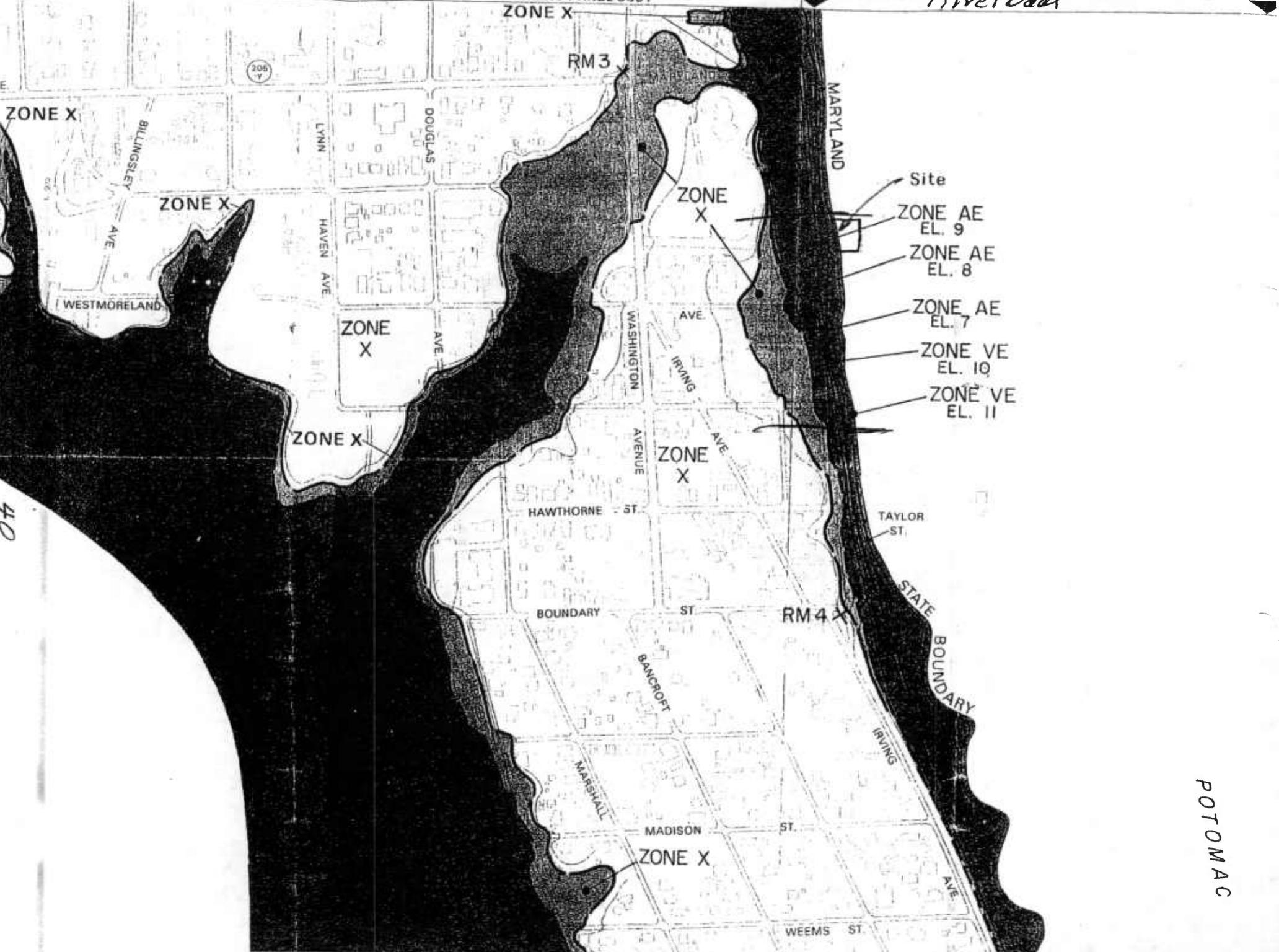


SPECIAL EXCEPTION PLAT BEING IN CHARLES COUNTY, MARYLAND AND ALSO IN COLONIAL BEACH, VIRGINIA



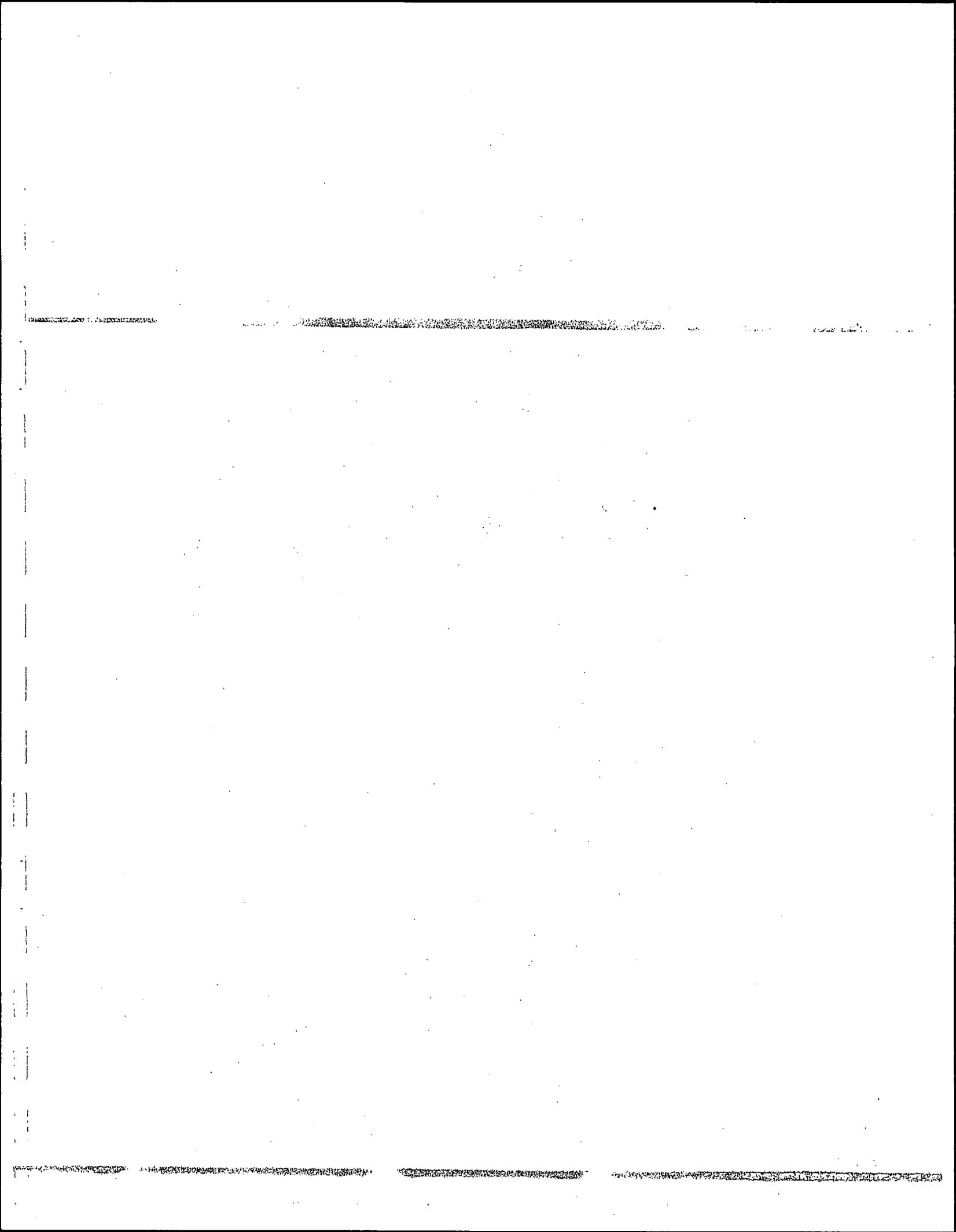
DATUM: VIRGINIA STATE PLAT

Riverboat



40

POTOMAC



Tidal and Non-Tidal Wetlands Determination

10

July 30, 2004
Revised August 3, 2004

Mr. Keith Meyer
Meyer & Associates
701 Westwood Office Park
~~Fredericksburg, VA 22401~~

ECS Project No. 05:3533-A

Reference: Preliminary Wetland Evaluation, Riverboat on the Potomac, Colonial Beach,
Virginia

Dear Mr. Meyer:

Engineering Consulting Services, LTD (ECS) conducted a preliminary wetland evaluation on the project site, which includes Parcel B, Lots 12 & 14, Block 87 in Colonial Beach, Virginia and Tax Map 78, Parcel 180 in Charles County, Maryland, on July 30, 2004. The evaluation was requested to determine if tidal or non-tidal wetlands are located on the project site and involved the following tasks:

- Initial "desk top" review of relevant data sources (topographic maps, county soil surveys, and air photographs), looking for wetland markers such as topographic depressions, drainage patterns, soils with high water tables and/or slow permeability, and wetland "signatures" on black and white photographs.
- Follow up site visit to confirm or "ground truth" the potential location of wetlands and streams.

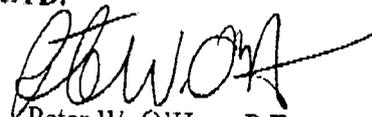
The site currently contains the remaining wood piers located within the water from the original structure that was damaged in 2003 from Hurricane Isabel. The shoreline was observed to contain a sandy beach area with break wall. Beyond the break wall is an upland sandy and gravel surface and asphalt parking lot. No wetland vegetation, soils or other identifying features were observed within the project site that would warrant a wetland delineation. Therefore, it is our opinion that no tidal or non-tidal wetlands exist either in the water or on land at this site.

If you have any questions regarding the contents of this letter, or if there is need for further information, please contact us.

Riverboat on the Potomac
ECS Project No. 05:3533-A
July 30, 2004

ENGINEERING CONSULTING SERVICES, LTD.


Douglas J. Finch
Environmental Services Manager


Peter W. O'Hara, P.E.
Vice President
Fredericksburg Branch Manager

cc: Tom Flanagan – Riverboat on the Potomac
Jim Whithead, P.E. – ATCS, P.L.C.
Guido Terziotti, P.E. – Bigoney Engineering

Attachments
1. Pictures

DJF:\Environmental\Letters\3000-3999\3533-A Wetlands (Revised).doc

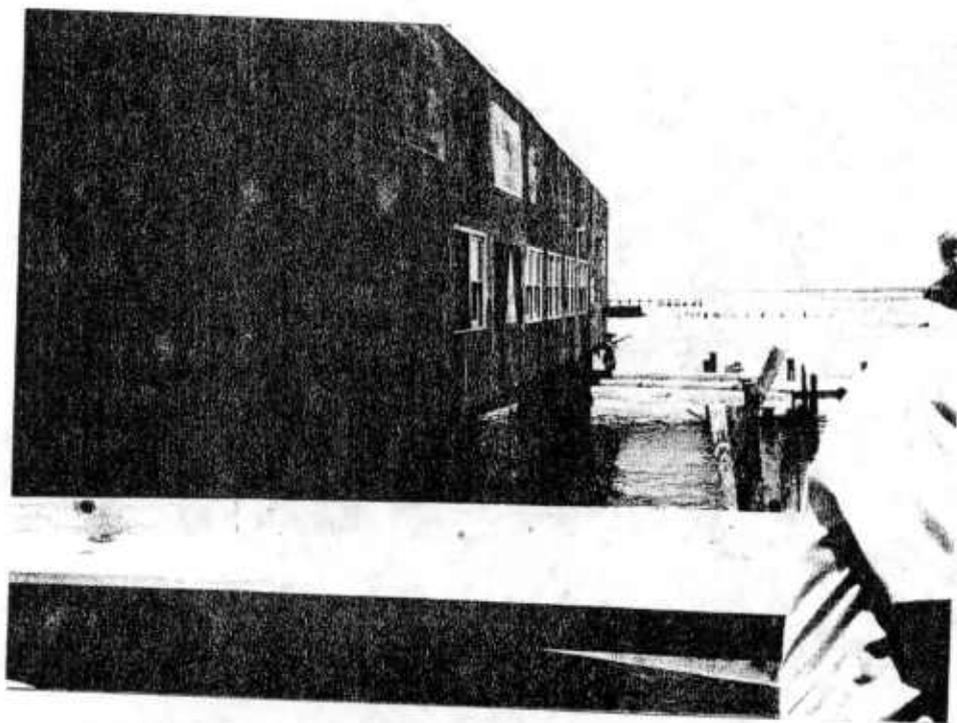
RIVERBOAT
BEFORE STORM ISABEL

RIVERBOAT

2000









NO.

RIVERBOAT
AFTER STORM ISABEL



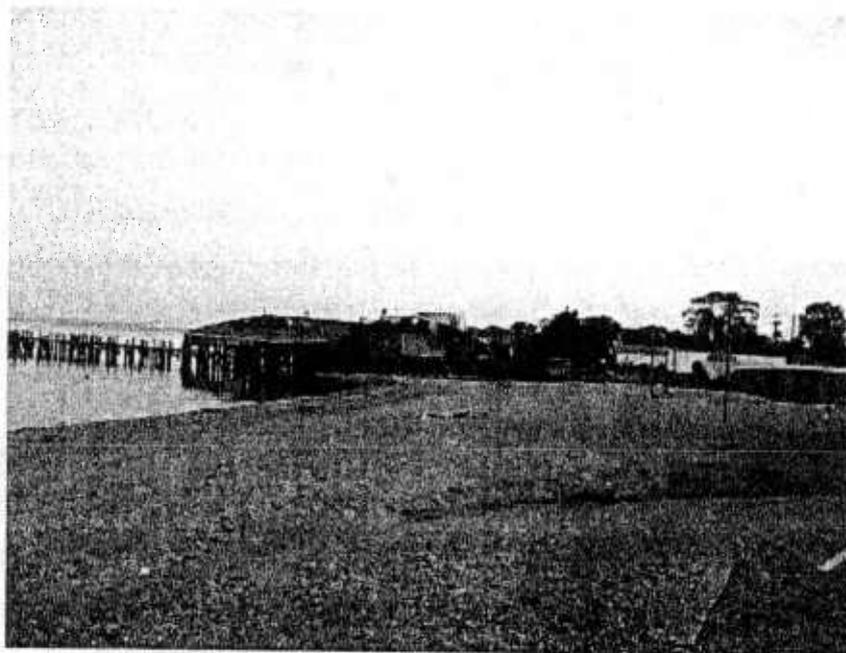
Riverboat on the Potomac. The Riverboat is built on pylons in the water of the Potomac, with the landing in the town. It's built over the water so it enjoys the laws of Maryland for gambling and alcohol purposes.

According to my sources, the Flanagans will be rebuilding which is a great relief. The Riverboat was formerly Reno before being purchased by the Flanagans. It offers OTB, Keno, Lotteries, a bar, and a restaurant, The Potomac Room.

1

A long view of the side.

The black part in the back, with only a partial dock below it, used to be the roof of the large back room. The inside is completely gone.



Another shot including the side of Riverboat and the outbuildings taken from down the boardwalk.



A closer shot showing more detail of the destruction.



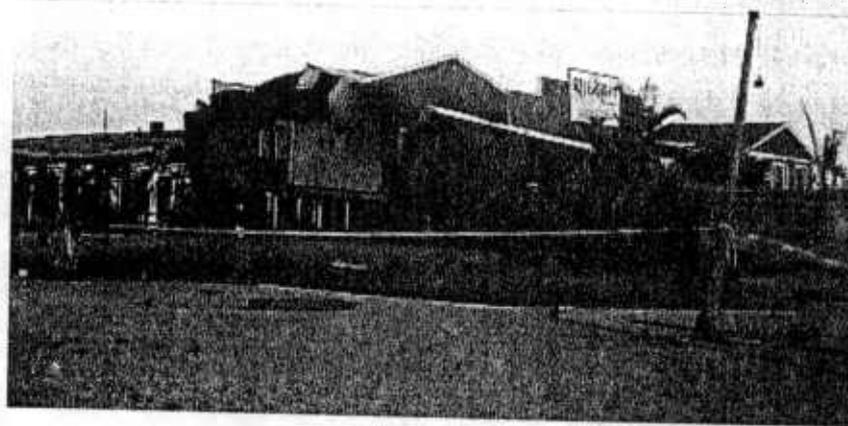
Debris in the parking lot of the Riverboat.



The remainders of the outbuilding.



Even closer up and showing the roof in better detail.



The front of the building. If you look closely you can see how the front left hand side is leaning backwards due to the

inside being gone.



[Home](#) [Page 2](#) [Page 3](#)
[Page 7](#) [Page 8](#) [Page 9](#)
[Landslide](#) [Mud](#) [FatBottomedGirls](#)

[Page 4](#) [Page 5](#) [Page 6](#)
[Page 10](#) [Page 11](#)
[Email](#)

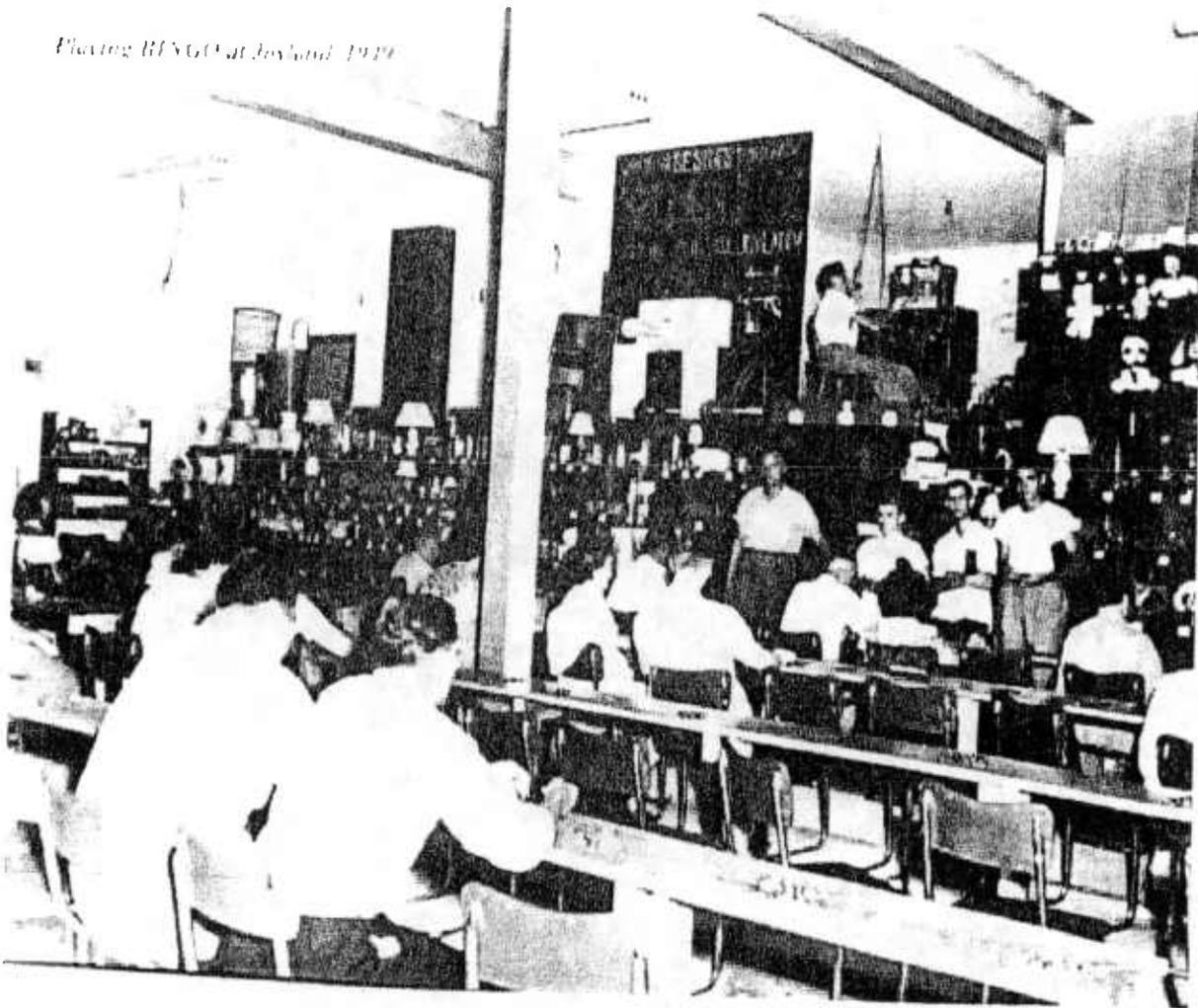


x Site Meter



Colonial Beach, Va 1936

Playing BINGO at Joyland 1949



D 2

Metro Area

THE SUNDAY STAR
Washington, D. C., August 17, 1963



An early morning fire consumes the Little Kenn and Monte Carlo amusement piers at Colonial Beach, Va., yesterday. Damage to the old slot

machine piers exceeded a half million dollars.
—AP Wirephoto.





